

Annette Jarvis (1649)  
Peggy Hunt (6060)  
Benjamin J. Kotter (9592)  
DORSEY & WHITNEY LLP  
136 South Main Street, Suite 1000  
Salt Lake City, UT 84101-1685  
Telephone: (801) 933-7360  
Facsimile: (801) 933-7373  
Email: [jarvis.annette@dorsey.com](mailto:jarvis.annette@dorsey.com)  
Email: [hunt.peggy@dorsey.com](mailto:hunt.peggy@dorsey.com)  
Email: [kotter.benjamin@dorsey.com](mailto:kotter.benjamin@dorsey.com)

Richard W. Havel (10759)  
SIDLEY AUSTIN LLP  
555 West Fifth Street, Suite 4000  
Los Angeles, CA 90013-1010  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600  
Email: [rhavel@sidley.com](mailto:rhavel@sidley.com)

*Attorneys for WestLB, AG*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:	)	
	)	
EASY STREET HOLDING, LLC, <i>et al.</i> ,	)	Bankruptcy Case No. 09-29905
	)	Jointly Administered with Cases
Debtors.	)	09-29907 and 09-29908
	)	
Address: 201 Heber Avenue	)	Chapter 11
Park City, UT 84060	)	
	)	Honorable R. Kimball Mosier
Tax ID Numbers:	)	DATE:
35-2183713 (Easy Street Holding, LLC),	)	TIME:
20-4502979 (Easy Street Partners, LLC), and	)	PLACE:
84-1685764 (Easy Street Mezzanine, LLC)	)	
	)	

**EX PARTE MOTION FOR ORDER SHORTENING TIME  
ON DISCLOSURE STATEMENT HEARING**

Pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure and Local Rule 9006-1(a), WestLB, AG ("WestLB"), a secured creditor in the above-captioned bankruptcy proceeding, by and through its undersigned counsel, moves this Court to reduce the time for notice of, response to, and the hearing on WestLB's Motion to Approve WestLB's Disclosure Statement (the "Motion") as providing adequate information and for purposes of solicitation at

the hearing scheduled for June 25, 2010, provided that WestLB files the WestLB Disclosure Statement on or before June 16, 2010.

Rule 9006(c) of the Federal Rules of Bankruptcy Procedure and Local Rule 9006-1(a) both allow this Court to reduce the time for notice of, response to, and the hearing on the Motion “for cause shown.” After repeatedly representing to the Court and creditors that the reorganization of the Debtor must be, and would be accomplished quickly, Easy Street has now sought a third time to extend exclusivity beyond the timeline agreed upon in the Cash Collateral Stipulation and beyond the exclusive solicitation period provided by the Bankruptcy Code. Easy Street seeks this further extension despite its swiftly declining cash position, its inability to fund its current Plan (which has now been on file for five months), and pursuit of a plan which cannot be confirmed over WestLB’s objection (and the attempted confirmation of which will waste valuable estate resources).

As discussed in the Second Opposition of WestLB, AG to Second Motion of Easy Street Partners, LLC to Extend the Exclusive Period for Soliciting and Obtaining Acceptances of Its Amended Chapter 11 Plan of Reorganization [Docket No. 552], WestLB is now prepared to propose and confirm the Competing Plan, which substantially tracks the treatment of classes contained in the Debtor’s Plan (the disclosure statement for which has already been approved and votes solicited based on that disclosure statement) and which WestLB believes will be acceptable to the Debtor’s primary constituencies. Since the only creditors whose treatment has changed materially compared to the Plan are WestLB, who proposes the Competing Plan, and certain insiders whose votes will not be solicited and who have access to more information about the Debtors than WestLB, WestLB believes that (with a minor supplement) the current

Disclosure Statement provides adequate notice of the terms of the Competing Plan for purposes of solicitation. Unlike the Plan and any new plan structure the Debtor will present, WestLB believes that the Competing Plan can be confirmed in a timely matter. As previously noted, given the Debtors' weakening cash position, it is imperative that confirmation of a plan move forward quickly. WestLB therefore requests that, to promote the best interest of creditors in this case and to allow for the greatest likelihood of a confirmable plan in the shortest time, the Court consider approval of the WestLB Disclosure Statement as providing adequate information and for purposes of solicitation at the hearing scheduled for June 25, 2010, provided WestLB files the WestLB Disclosure Statement on or before June 16, 2010.

Accordingly, WestLB requests that the Court shorten the time for notice of the Motion, with notice of the Motion to be served via the Court's ECF/CM system on June 16, 2010, any objections to the Motion to be filed with the Court, with a copy to be served upon counsel for the WestLB, the United States Trustee, and upon other parties in interest who have requested such notice on or before 4:30 p.m. (Mountain Standard Time), Tuesday, June 22, 2010, and that the Motion be heard at 10:00 a.m., Friday, June 25, 2010.

DATED this 11<sup>th</sup> day of June, 2010.

**DORSEY & WHITNEY LLP**

/s/ Benjamin J. Kotter  
Annette W. Jarvis  
Peggy Hunt  
Benjamin J. Kotter

and

Richard W. Havel  
**SIDLEY & AUSTIN, LLP**  
*Attorneys for WestLB, AG*